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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 KIM BOLIBA,
11
12 Plaintiff,

13 -vs.-

14 CASE No.
15 2:14-cv-01840-JAD-NJK

16 CAMPING WORLD, INC.; CAMPING WORLD RV
17 SALES, LLC; WHEELER LAS VEGAS RV d/b/a
18 CAMPING WORLD RV SALES; WINNEBAGO
19 INDUSTRIES, INC.; DOES 1-10; and ROE
20 CORPORATIONS 1-10, inclusive,

21 Defendants.

22 **STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO DEFENDANTS'**
23 **MOTION FOR SUMMARY JUDGMENT**
24 **(First Request)**

25 Defendants filed a Motion for Summary Judgment on September 8, 2015. A Response is
26 due on October 2, 2015. Based on the stipulation hereinbelow, Plaintiff requests an additional
27 two (2) weeks to file a response.

28 FRCP 6(b) states:

(b) Extending Time:

(1) In General.

When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) With or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) On motion made after the time has expired if the party failed to act because of excusable neglect.

1 Local Rule 6-1 states:

- 2 (a) Every motion requesting a continuance, extension of time, or order shortening time shall
3 be "Filed" by the Clerk and processed as an expedited matter. Ex parte motions and
4 stipulations shall be governed by LR 6-2.
5 (b) Every motion or stipulation to extend time shall inform the Court of any previous
6 extensions granted and state the reasons for the extension requested. A request made after
7 the expiration of the specified period shall not be granted unless the moving party,
8 attorney, or other person demonstrates that the failure to act was the result of excusable
neglect. Immediately below the title of such motion or stipulation there shall also be
included a statement indicating whether it is the first, second, third, etc., requested
extension, i.e.:

9 STIPULATION FOR EXTENSION OF TIME TO FILE MOTIONS
10 (First Request)

- 11 (c) The Court may set aside any extension obtained in contravention of this Rule.
12 (d) A stipulation or motion seeking to extend the time to file an opposition or final reply to a
13 motion, or to extend the time fixed for hearing a motion, must state in its opening
14 paragraph the filing date of the motion.

15 Local Rule 6-2 states:

- 16 (a) Any stipulations, ex parte or unopposed motions requesting a continuance, extension of
17 time, or order shortening time, and any other stipulation requiring an order shall not
18 initially be "Filed" by the Clerk, but shall be marked "Received." Every such stipulation
19 20 | Page or ex parte or unopposed motion shall include an "Order" in the form of a
signature block on which the Court or Clerk can endorse approval of the relief sought.
This signature block shall not be on a separate page, but shall appear approximately one
inch (1") below the last typewritten matter on the right-hand side of the last page of the
stipulation or ex parte or unopposed motion, and shall read as follows:

20 "IT IS SO ORDERED:
21 [UNITED STATES DISTRICT JUDGE,
22 UNITED STATES MAGISTRATE JUDGE,
UNITED STATES DISTRICT COURT CLERK]
(whichever is appropriate)

23 DATED: _____"

- 24 (b) Upon approval, amendment or denial, the stipulation or ex parte or unopposed motion
25 shall be filed and processed by the Clerk in such manner as may be necessary.
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1 The Ninth Circuit has held in Ahanchian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th
2 Cir. 2010) that Fed. R. Civ. P. 6(b)(1) “ [is] to be liberally construed to effectuate the general
3 purpose of seeing that cases are tried on the merits.’ *Rodgers v. Watt*, 722 F.2d 456, 459 (9th
4 Cir.1983) (quoting *Staren v. American Nat’l Bank & Trust Co. of Chicago*, 529 F.2d 1257, 1263
5 (7th Cir.1976)); *see also* Fed.R.Civ.P. 1 (“[The Federal Rules] should be construed and
6 administered to secure the just, speedy, and inexpensive determination of every action and
7 proceeding.”). Consequently, requests for extensions of time made before the applicable deadline
8 has passed should “normally ... be granted in the absence of bad faith on the part of the party
9 seeking relief or prejudice to the adverse party.” 4B Charles Alan Wright & Arthur R.
10 Miller, *Federal Practice and Procedure* § 1165 (3d ed. 2004).” Id.

12 In this case as shown in the declaration immediately below, Plaintiff’s counsel recently
13 discovered that several motions, orders, and other required work had not been completed or were
14 glaringly deficient. As a result, counsel had to terminate the person required to perform the
15 tasks. This caused counsel to have to spend time correcting the work or performing the work.
16 Counsel immediately contacted Defendants’ counsel and he agreed to allow an extension of two
17 weeks to respond to the current summary judgment motion.
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19 **DECLARATION OF COUNSEL**

- 20 1. Plaintiff’s counsel recently discovered that numerous motions, orders and other required
21 work had not been completed by a certain employee thereby forcing counsel for the
22 Plaintiff to devote an inordinate amount of time correcting the deficiencies after
23 Plaintiff’s counsel let this certain employee go.
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- 1 2. Plaintiff's counsel then contacted counsel for the Defendant requesting a two week
2 extension to respond to the motion for summary judgment currently on file. Defendants
3 agreed to the extension of time.
- 4 3. Plaintiff's counsel believes that good cause exists to allow an extension of time to file a
5 response to the Defendants' summary judgment motion.

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8 Dated this 30th day of September, 2015.


/s/ Randal R. Leonard, Esq.

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2 **THE PARTIES THEREFORE STIPULATE AND AGREE AS FOLLOWS:**

- 3 1. That Plaintiff will have until October 16, 2015 to file a response to the Defendants'
4 Motion for Summary Judgment on file.
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6 Dated: Sept 30, 2015

7 Dated: 10/1/15

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20 Attorney for Defendants

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22 IT IS SO ORDERED:

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25 UNITED STATES DISTRICT JUDGE,
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27 DATED: October 1, 2015
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